

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION**
October 24, 2006

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Brotzman called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Aveni (alt. for Aufuldish), Brotzman, Klco (alt. for Troy), Schaedlich, Siegel, Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Myers.

MINUTES

Mr. Schaedlich mentioned correcting the spelling of disclosure shown twice on page five and Mr. Klco corrected the statement on the same page in the fifth paragraph under New Business as having been said by Mr. Smith, not him.

Mr. Siegel moved and Mr. Zondag seconded the motion to approve the minutes with the stated corrections for the September 26, 2006 meeting.

Eight voted "Aye".
Mr. Aveni abstained.

FINANCIAL REPORT

Ms. Hausch questioned what was to be done with equipment and education training accounts with zero balances. Mr. Webster stated the office would have to petition for these funds when an occasion arises.

Ms. Hausch moved to approve the Financial Report for September, 2006. Mr. Siegel seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Eric Condon, Assistant Prosecutor, wanted to correct page two of the September minutes to state that the Eye-Will vs. Driftwood court case is still pending with the 11th District Court of Appeals, not Judge Lucci.

Mr. Siegel moved to amend his motion on the September 26, 2006, minutes to include this correction and Mr. Adams seconded the motion.

Eight voted "Aye".
Mr. Aveni abstained.

There was no further legal report.

DIRECTOR'S REPORT

Mr. Webster informed the members that the staff is currently working on various comprehensive plans for North Perry Village, Madison Township and Madison Village. The Madison Township and Madison Village plans will be worked on simultaneously with a

committee consisting of people from both communities, and will ultimately result in separate plans.

Mr. Webster received a call from the City of Wickliffe to attend a meeting of their Euclid Avenue Corridor Committee tomorrow night, October 25, at 7:00 p.m. A staff member will attend and then attend the following month's meeting to suggest how the staff could be of assistance in their efforts.

ANNOUNCEMENTS

Mr. Webster announced the following meetings on Friday, October 27:

- The Ohio Planning Conference of the American Planning Association Zoning Workshop in the Wolstein Center at Cleveland State University.
- Congressman LaTourette will be conducting a meeting regarding the need for a County Port Authority at the Auburn Career Center's Technology Learning Center at 8:00 a.m.

SUBDIVISION REVIEW

Madison Township – Madison Meadows, Phase 1, Resubmitted Final Plat, 32 Lots and Madison Meadows, Phase 2, Resubmitted Final Plat, 8 Lots

Mr. Radachy stated the applicant of the resubmitted final plats for Madison Meadows Phases 1 and 2 is Madison Meadows, Ltd. and the surveyor/engineer is Neff & Associates. Both phases are zoned R-1 and A-1. They are located off Haines Road just east of where Lockwood Road intersects with Haines Road in Madison Township.

The final plat of this subdivision was originally submitted and approved as a 40 lot subdivision. The developer now wishes to divide the final plat into two phases: Madison Meadows, Phase 1 with 32 lots and Madison Meadows, Phase 2 with 8 lots.

The following are the proposed stipulations and comments for Madison Meadows, Phase 1:

Proposed Final Plat Stipulations:

1. The subdivider shall set all permanent monuments for subplot corners prior to the recording of the subdivision. *Article I Section 4(H)*
2. All permanent monuments for the centerline shall be set prior to recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
3. Any storm easement used to drain the road shall be placed into a drainage easement to Madison Township with the proper language on the cover sheet. The easements on 11 and 12, 25 and 26, and the rear easements along 26, 27, 28 and 29 shall be drainage easements. *Article III Section 6(D)(1)(j)*
 - a. The Township would like the proper terminology for acceptance and dedication of easements used on the cover pages. The Township does not wish to accept any drainage easement normally defined as a regional system. *Madison Twp.*
4. The engineered detention pond on sublots 25 and 29 and the pipe taking the water from the detention pond to the stream on sublots 23, 24 and 25 shall be placed into a local service drainage easement to the homeowners or homeowners' association. *Article III Section 6(D)(1)(o)*
 - a. The Township would like the proper terminology for acceptance and dedication of easements used on the cover pages. The Township does not wish to accept any drainage easement normally defined as a regional system. *Madison Twp.*
5. The improvement plans shall be based on the preliminary plan and they shall conform to the final plat. The developer shall divide the approved improvement plans by phase and provide the County Engineer and Sanitary Engineer with new cost estimates by phase to be approved by the Commissioners. *Article III Section 4(A)*

Proposed Final Plat Comments:

1. It is recommended that the area of the sublots from the top of the ravine to the rear property line be placed into a conservation easement or a preservation easement. This is in addition to the riparian easement that is required to be granted to the Board of Lake County Commissioners. *LCPC*
2. To the best of my knowledge Madison Meadows has met the requirement for single-family dwellings in an A-1, Agricultural Residential District in Madison Township. I do however have reservation with the language of "temporary cul-de-sac" for Woodside Drive. *Madison Twp.*
3. No objection to resubmitted Final Plat. *L. C. Engineer*

The following are the proposed stipulations and comments for Madison Meadows,

Phase 2:

Proposed Final Plat Stipulations:

1. The subdivider shall set all permanent monuments for subplot corners prior to the recording of the subdivision. *Article I Section 4(H)*
2. All permanent monuments for the centerline shall be set prior to recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
3. Any storm easement used to drain the road shall be placed into a drainage easement to Madison Township with the proper language on the cover sheet. The easements on sublots 5 and 6 shall be drainage easements. *Article III Section 6(D)(1)(j)*
 - b. The Township would like the proper terminology for acceptance and dedication of easements used on the cover pages. The Township does not wish to accept any drainage easement normally defined as a regional system. *Madison Twp.*
4. The improvement plans shall be based on the preliminary plan and they shall conform to the final plat. The developer shall divide the approved improvement plans by phase and provide the County Engineer and Sanitary Engineer with new cost estimates by phase to be approved by the Commissioners. *Article III Section 4(A)*

Proposed Final Plat Comments:

1. It is recommended that the area of the sublots from the top of the ravine to the rear property line be placed into a conservation easement or a preservation easement. This is in addition to the riparian easement that is required to be granted to the Board of Lake County Commissioners. *LCPC*
2. To the best of my knowledge Madison Meadows has met the requirement for single-family dwellings in an A-1, Agricultural Residential District in Madison Township. *Madison Twp.*
3. No objection to resubmitted Final Plat. *L. C. Engineer*

Mr. Radachy explained that two of the stipulations were added because we had changed our Subdivision Regulations. The subdivider must set all permanent monuments for subplot

corners and the centerline must be pinned before the plats are recorded or the final release of the construction surety.

Another issue deals with the maintenance responsibility of the storm easement used to drain the road. The cover sheet will have to be changed to show the maintenance responsibility will be by the County, not the Township.

The last major issue is that the developer will now have to divide the approved improvement plans by phase and provide the County Engineer and Sanitary Engineer with new cost estimates for each to be approved by the Commissioners so that money will be available for bonding.

Mr. Zondag was concerned with temporary cul-de-sacs opening directly into another person's property and was opposed to potential encroachment problems at these points.

Mr. Radachy stated that temporary cul-de-sacs are part of the rules of the Subdivision Regulations in order to provide future access to unsubdivided property.

Mr. Brotzman said that the point of adjoining access has been in discussion for several years and the staff is looking into ways to soften this point to recognize the need to interconnect, but also to recognize the issues it creates during the time before the other property is developed.

Article IV will be part of the next phase of the County Subdivision Regulations revisions and the staff intends to look into this situation at that point.

The staff is recommending approval with five stipulations and three comments on Phase 1 and four stipulations and three comments on Phase 2.

Mr. Adams questioned the comment made by Madison Township on the temporary cul-de-sac language for Woodside Drive. Mr. Radachy responded that he had spoken with the Zoning Inspector about the reason for a temporary cul-de-sac for future extension and he now understands why the temporary cul-de-sac was put there. The Inspector had also voiced the same concerns that Mr. Zondag brought up earlier.

Ms. Pesec asked the developer to comment on proposed final plat comment number one concerning the sublots from the top of the ravine to the rear property line being placed into a conservation or preservation easement.

Mr. Daniel F. Neff, P. E. of Madison Meadows, Ltd., stated there was not a government body willing to take that easement over, but they would consider doing it unless it would be a burden to the development. It was never their intent to disturb this valley. It was shown on the plat that the easements are not restricting the use of it.

Mr. Neff continued that the appetite in the housing market in Ohio and nationwide is a little less than they wanted, so they chose to do this subdivision in two phases. They are hoping to complete the second phase next summer. All the utilities are in and ready to go.

Mr. Radachy stated the developer is providing a riparian easement along the top of the ravine.

Mr. Brotzman stated the stormwater easement moves towards Cambrian Way and questioned the developability of the last few sublots.

Mr. Neff stated that each of sublots 23, 24, 25 and 26 have a substantial buildable area available for new housing and still provide use of the back yard. The easement just restricts the use of construction in that area.

Mr. Aveni asked if there were any subdivision declarations that would put particular restrictions on the homeowners as far as what could be done in the easement areas. He was told that there was not anything spelling out what they specifically could or could not do, but restrictions on the plat indicate there are no buildings, structures or fences permitted.

Mr. Radachy pointed out the detention pond and the pipeline running back to the creek on Sublots 23, 24, and 25. Currently running to the stormwater easement is a local detention pond, which would make the homeowner's association responsible for maintenance as per regulations. Without an association, the responsibility belongs to the individual homeowners and not the regional stormwater system. There is language that can be placed on the plat stating that the easement maintenance goes to the individual homeowners per stipulation number four.

Mr. Aveni strongly recommended that, if they were not going to have a homeowners association, they might want to put extra language in their deed so that buyers do not come back saying they were not aware of the restrictions instead of just relying on the plat.

Mr. Neff agreed to add these restrictions to the deeds.

Mr. Aveni moved and Mr. Siegel seconded the motion to approve the final plats for Madison Meadows Phases 1 and 2 subject to the stipulations identified by staff.

All voted "Aye".

Concord Township – Mountaintop Estates, Variance to Article I, Section 4(B)

Mr. Radachy introduced the Mountaintop Estates variance request for clearing and grading, Article I, Section 4(B). The subdivision is in Concord Township. The developer is SPS Mountaintop LLC and the engineer/surveyor is Polaris Engineering. The Preliminary Plan was approved in March. The location is off Pinecrest Road to the south, Humphrey Road to the west, Viewmount Drive to the east. They want to clear the right-of-ways and get the storm lines prepared for utilities to be inserted. The Lake County Soil & Water Conservation District has approved their Erosion and Sediment Control Plan already.

The staff is recommending denying the variance because the developer did not provide a hardship for this.

Mr. Jon Sines of Polaris Engineering & Surveying, Inc. spoke on this variance. He stated their hardship was to be able to take out the stumps, take out the top soil and start some initial grading while some of the ground is potentially frozen to avoid doing this work when it gets sloppy in the Spring.

Mr. Zondag felt this was not a real hardship in Ohio. The ground does not freeze unless

there is an unusually cold year.

Mr. Sines expressed the fact that they would be clearing just a 15 to 20 foot utility easement and it is heavily wooded downstream from where they were clearing.

Mr. Zondag still had the same concern even on this size strip of land. He did not feel it was an environmentally good policy. If the woods were opened up at this time of year, the long term effect on vegetation would be enormous. On top of that, it would be almost impossible to stop erosion at this time of year because there would be a heavy buffer issue.

Mr. Sines said they were talking about possibly doing some kind of temporary dike to trap the water as it comes down.

Mr. Zondag continued saying this land is on shale with low pH soil, which means they would have to add a lot of lime just to get grass to survive. Grass would not germinate until sometime in May. Realistically, there would not be anything except physical barriers to stop erosion. A wet, rainy year like this year will cause a real erosion problem on that site. It changes the whole drainage characteristics of the site, changes compaction issues, changes temperature in the soil, and it destroys root systems.

Mr. Radachy stated the improvement plans have not been approved by the County Engineer and Utilities yet. They cannot start actual construction until the Commissioners sign off on the improvement plans, which would not be for a couple weeks.

Mr. Sines indicated the contractors said this would be done in a two week period to prepare for summer activities. When asked why they were coming in at this time if it would only take about two weeks to do this, he replied that the contractors are available at this time and they would not have to come back next year.

Mr. Matt Scharver of Soil & Water was asked his opinion on this situation. He said the developer has an Erosion Control Plan they would have to follow. If they start now or in two weeks, they will still have to button up the site for the winter. It is not the best time of year to do this, but it is not impossible. It would be better to do this mid-winter than now. He stated that Mr. Zondag's comments were right on the mark. It is not the time of year to be doing this type of work, but this is Ohio and this is what we have to deal with. The plan calls for several sediment traps along the right-of-way of the clearing. The whole site would have to be seeded and no work could then be done for a period of 21 days. There will be maintenance needs during the wintertime that will be costly. They will need to contact someone to come out and clean the traps if necessary. They have to stabilize the site.

Ms. Pesec asked Mr. Scharver how the erosion control plan would be policed. Mr. Scharver stated the developer would self-monitor the situation. Soil & Water is on a two-week cycle. If they see something, they contact the developer and give them notice. If no response is given, they go into a 30-day period. The policing order begins with the first response, a second letter violation at 15 days, and then goes to the Commissioners to ask for resolution. There is a

60-day window if they do not get cooperation.

Mr. Slowey said this would be a good time of the year to deforest environmentally because the birds are gone.

Ms. Pesec requested Mr. Condon to confirm the conditions for granting variances. He read from the variance request form that variances can be granted because of extraordinary and unnecessary hardship based on exceptional topographical or physical conditions or practical difficulties.

Mr. Siegel stated they would be doing this in two weeks when the improvement plans are signed anyway without a variance.

Ms. Pesec moved to approve the Mountaintop Estates variance request as submitted and Mr. Siegel seconded the motion.

Mr. Zondag moved for a roll call to be taken and Ms. Hausch seconded the motion.

All voted "Aye".

A roll call was taken by Mr. Webster as follows:

Mr. Adams – No.	Mr. Schaedlich – No.
Mr. Aveni – Abstained.	Mr. Siegel – No.
Ms. Hausch – No.	Mr. Zondag – No.
Mr. Klco – No.	Mr. Brotzman – No.
Ms. Pesec – No.	

Motion unanimously failed.

Painesville Township – Ville Grande at Lake Erie Shores, Variance to Article IV, Section 2(A)(9)

This Subdivision is located on the north side of Lake Road in Painesville Township with 19 sublots on 7.16 acres of land. There are 17 houses on a private street ending in a cul-de-sac. The developer wants to remove the emergency access easement. This is a planned unit development and Painesville Township has recommended this layout.

Mr. Radachy said recently there has been a fire code enacted and it allows for different types of turnarounds. Where the cul-de-sac comes in, there is kind of a Y-shaped turnaround and the Fire Department said they can turn the truck, back it in and turn it around in the Y-shape. Painesville Township amended their PUD and the need for the emergency access easement was eliminated.

Previously, this had been varied to allow a smaller cul-de-sac by this Commission because there was an emergency access easement.

Staff recommended approval on the revised variance request.

Mr. Zondag moved to approve the variance request with conditions and Ms. Hausch seconded the motion.

Mr. Radachy informed the members that the original intention of the variance request was to eliminate the bridge and not go across the corridor, but there was no way to design it to be able to turn a fire truck without actually installing the bridge.

Mr. Klco questioned the reasoning for approving any cul-de-sac that was too small to turn a fire truck around.

Mr. Radachy replied that this was a private road, the residents are responsible for maintenance and, while a smaller snow plow could turn around on it, larger vehicles could do the same by making a three-point turn.

Mr. Adams questioned what would be done with the stormwater line and Mr. Radachy replied that it would probably be directed off the end of the cul-de-sac.

Mr. Radachy further stated this was meant to be a condominium development, not a normal subdivision. This is the same situation as in Loreto Landing in Perry Township. This setup provides a bare minimum for doing what needs to be done, but it is still safe. This road must remain private forever. The reason the Regulations included cul-de-sacs for private roads is because private roads tend to become public roads in the future.

Mr. Aveni was concerned that we are, based on this case, right on the edge of the conflict in our Subdivision Regulations where we amended those to allow the flexibility with PUDs and using regulations we put into place with the townships and he questioned where would this leave the developer if we said no. Painesville Township actually sent this to us with the recommendation that we adopt the plat to accommodate what they approved for their PUD. The intent, when the PUD provisions were put into the Regulations, was to allow that flexibility to the township so we would not run into the situation that we ran into in Perry where the developer was being bounced back and forth between the Planning Commission and the Township because each body was telling them to do it differently. He felt these were all legitimate concerns, but the reality is that the intent of adopting a PUD in the Regulations was to allow the flexibility to the townships. He was not sure that we were in a position to say we did not like this variance.

Mr. Schaedlich agreed with Mr. Aveni that we did look at this as giving more power to the local government involved to negotiate some of these things.

Mr. Brotzman stated these points were well made, and his feeling of unease was that he did not know this site and layout. It is a bare-bones approach. We have asked the townships to come back to us with something they feel is workable, but this was so close to bare bones, he questioned this.

Mr. Siegel stated we did not know what the give and take was on this. He thought they ought to let them have the variance.

Mr. Radachy clarified that this variance was already approved. This is just a revision on the variance that was already approved. We cannot tell them to change the plat.

Mr. Webster stated that they were not actually changing the plat; they are changing an easement that is shown on the plat.

Mr. Adams stated there were two things they were looking to change: the “Y” instead of the cul-de-sac and the easement.

Mr. Webster and Mr. Radachy clarified that the “Y” was already there. We are showing what the Fire Chief is accepting.

When questioned by Ms. Hausch about the ability to turn around when there is snow on the road, Mr. Radachy said it is the resident’s responsibility to see that it is kept cleared.

Mr. Brotzman felt this discussion should help to continue the thought process of what was granted to the townships in this type of project. He hoped that the staff gets some kind of feedback as to the wisdom of those choices that were made to work in this kind of compromise with the townships. He suggested doing future monitoring on this to see how it works out if this variance is approved so we can make better decisions the next time something like this is requested.

Mr. Klco questioned if the townships have the final say on this and was told by Mr. Radachy that the Planning Commission has the final say. If this variance is not approved, the emergency access easement will stay on the plat. That does not mean that it has to be used, but it does mean the access easement will be on the plat.

Mr. Brotzman asked Mr. Scharver if he was familiar with the riparian impacts that this emergency access would have.

Mr. Scharver stated that the emergency access is already constructed; it is already paved and in place. There is a plan to redo a whole section upstream as a restoration for Lake Erie Shores’ requirements for wetland permits and streams and banks permits. From an environmental standpoint, eliminating that crossing would be a plus for that project. There is no bridge.

Mr. Scharver continued saying that it is a very constrained site. He thinks that might be why some of the compromises were made. Also, the current developer is not the owner of the permitting. Mr. Bill Johnson of Johnson Builders is building this project, but Michael DiSanto of Lake Erie Shores is handling all the permitting, which stems back four or five years.

Mr. Scharver was asked if there was something going on further downstream that needed this untouched riparian buffer. He replied that there had been a couple violations of a permit that was granted to the whole project and the government is now only catching up to that fact. The developer is now being required to do more on-site mitigation and restoration on the property

rather than sending it to a mitigation bank. One of their proposals is to review this whole stream corridor. Eliminating this access would help the developer to fulfill that requirement.

Mr. Webster also wanted to mention that shore protection has been put in along the entire length. It was quite extensive and expensive.

Mr. Radachy explained the developer could not have developed the north side of Lake Road without the shoreline protection.

The Chairman stated there was a previous motion and second and requested the vote on this issue.

Seven voted "Aye".

Mr. Klco voted against the motion.

Mr. Aveni abstained.

Subdivision Activity Report

Mr. Radachy stated Kimball Estates II, Phase 2, in Madison Township and Crossroads of Summerwood, Phase 1, in Concord Township will be on the agenda to be approved at the County Commissioner's meeting on Thursday.

LAND USE AND ZONING REVIEW

Concord Township – Proposed Text Amendments

Concord Township provided proposed definition changes to restaurant that require changes to be made to the permitted use list in R-2. They are dividing restaurants into counter service restaurants and table service restaurants. They want to allow for coffee houses, bakery/sandwich shops and other types of businesses to come into R-2 PUD. Ice cream parlors and bakeries will still be allowed by definition, but they are no longer required to have them in the permitted use list. They are also removing "any other uses determined to be compatible by the Board of Township Trustees of Concord Township".

The Land Use and Zoning Committee recommended the removal of ice cream parlors and bakeries and "any other uses determined to be compatible by the Board of Township Trustees of Concord Township". For the counter service and table service restaurants, the Committee is recommending drive-throughs being made a conditional use instead of the prohibited use submitted. Because banks and drug stores are allowed to have drive-throughs, they thought it might be placing the Township in a bad position by not allowing a counter service restaurant to have a drive-through.

Mr. Pesec was concerned about the hours of operations of drive-throughs in restaurants versus banks, etc.

Mr. Schaedlich thought it might be alright to recommend to the Township to consider conditional use language.

Mr. Schaedlich moved to recommend approval of the language submitted with the conditions and comments from the Land Use and Zoning Committee. Mr. Siegel seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Lake County Coastal Plan Committee

Mr. Webster said the next meeting of the Lake County Coastal Plan Committee will be on Tuesday, November 28 at 6:30 p.m. in the Social Hall of the College Tower building at Lake Erie College. The Committee is still waiting to hear about federal funding. They are working on a video for public television and presentations through Lakeland's Audiovisual Department.

After the meeting at the Kirtland Country Club, there were a lot of business leaders in Lake County that were interested in what was being proposed with the shoreline and the need for a port authority. There will be a meeting concerning port authorities on Friday morning, October 27, 2006, at the Auburn Career Center.

Mr. Webster reported that the Lakeland presentation of the coastal plan was held on September 28 with approximately 35 to 40 people. There were a lot of comments from people in favor of what we are doing. Questions of eminent domain were also brought up. These people were assured eminent domain was not something we were looking to exercise.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Minor Subdivision Fees

Mr. Radachy explained that a new type of lot split was added in the changed Regulations, which was large lot division from 5.01 acres to 20 acres. A new fee of \$100.00 is proposed for the large lot division, a fee of \$50.00 is proposed for a property division greater than 20 acres with legal frontage, and a proposed increase from \$25.00 to \$50.00 was made for a lot line adjustment.

Mr. Schaedlich moved to approve the minor subdivision fees as submitted and Mr. Zondag seconded the motion.

All voted "Aye".

Pre-Application Meeting

Mr. Radachy commented that pre-application meetings have become mandatory. In

order for the staff to get the proper information and to call everyone in a timely manner, a submission date deadline and an actual monthly meeting date needed to be set. These proposed deadlines and meeting dates through January 2007 were as follows:

Pre-Application Submission	Pre-Application Meeting	Preliminary Plan Submission
November 22, 2006 at 4 PM	November 29, 2006 at 10 AM	December 1, 2006 at 4 PM
December 27, 2006 at 4 PM	January 3, 2007 at 10AM	January 8, 2007 at 4 PM

Mr. Siegel moved to adopt the submitted pre-application deadlines and meeting dates through January 2007. Ms. Pesec seconded the motion.

All voted "Aye".

Mitigated Wetlands in Lake County

Mr. Brotzman was concerned that mitigated wetlands continue to move out of Lake County and northeastern Ohio. He had been told that there were potentially only four sites in the State that were Ohio E.P.A. approved where wetlands may be mitigated. He knew a seed location was needed to be recognized and established. The E.P.A does not like Lake County as a site in part because the land areas are priced too high and because they can get more for their buck outside Lake County. He feels this is not a good enough excuse to justify taking wetlands out of its region and making a duck habitat. He would like to petition whoever it is who makes that decision of where wetlands may be mitigated to have them consider something in the County. Certainly, the Arcola Creek watershed, for instance, with its ebb and flow of flood plain situations, would provide a lot of potential for wetland mitigation.

Mr. Scharver of the Lake County Soil & Water Conservation District stated that the Corps did not have any locations in Lake County so a lot of our wetlands are mitigated in other counties. It is a loss of a resource for the people who live here and economically it is not good for us either. It is a difficult, challenging process. In Lake County, Soil & Water knows some properties that would meet their criteria, but their cost is important too. Working the agencies together collectively would be good. Soil and Water is always looking at property and parcels and opportunities. They work with the Planning Commission, Metroparks and even the Stormwater Department. There are public comments for these wetland permits that the developers have to go through. This Board could make public comments to either Ohio E.P.A. or Army Corps of Engineers (Corps) that they wish to see mitigated wetlands stay within the watershed first and within the County second. The Soil & Water Board makes comments like this. Lake Erie Shores is a good example of where they made some headway where the Corps came back and said the developer was not allowed to use a mitigation bank and had to do one third of their restoration on site and find a property in Lake County somewhere, hopefully in the same watershed, to do their other mitigation. Public comments do carry some weight to them, so he would encourage the Commission to use them.

Ms. Pesec asked when they would know to do them. Mr. Webster stated that the office gets occasional notices. The Commissioners get notices and should pass them along to other

agencies. When Mr. Scharver gets one of significance, he will make sure the Planning Commission knows.

Mr. Scharver continued saying it would be helpful if, as the staff and Board are looking at zoning text changes and comprehensive plans where wetland properties might be available to do something in the future, they would let Soil & Water know. Geauga County has some County properties that have been turned into mitigation areas. It was about a five-year process. They are now selling credits to developers and he thinks most of their credits are already spoken for. This scenario might not play out as easily in Lake County. Soil & Water have a few parcels right now that they are working on. It comes down to dollars and location.

When asked by Mr. Zondag about the size of property needed, Mr. Scharver answered that 10 acres would be marginal, 40 or 50 acres would be better.

Mr. Zondag asked if it would be good for Soil & Water, the Planning Commission and other agencies to sit down and make a list of people that really have an impact on these things and form a study group that could actually identify properties in Lake County that work with the criteria. Once we get this information together, we could submit this information to the Army Corps of Engineers.

Mr. Webster brought up that the Marsh Area Regional Coalition has organized to do a special management plan for the Mentor Marsh. There are some upland areas that they are trying to get people to sell and make available for wetlands as well as to gain control of the marsh itself. The City of Mentor has purchased a little over 100 acres from Morton Salt off Headlands Road. They are creating "vernal pools" and a recreation type setup and working on plans for restoring the marsh. They are also dealing with a salt problem from the salt tailings that were buried there by one of the local developers. This was done legally, but not done well. There is a leakage of salt brine into the marsh, which is what killed the trees in the first place. This has created some serious health hazards with the mosquitoes that look for salt water possibly bringing in different strains of encephalitis and other diseases. It gets fixed and then starts leaking again. A new holding place needs to be found for the tailings.

Mr. Radachy stated that Stormwater has been leading group discussions with Utilities, the Planning Commission, Soil & Water and the County Engineer already.

Mr. Aveni believes there would be a strong interest in the development community to have better access to mitigation banks within the wetlands where watersheds are being disturbed. He thought our focus needed to be more political about putting some pressure on the Corps to tell us that, if we put this thing together, they will help us get through the process to avoid having to go through what Geauga County had to go through after more than five years of hard work and then could not get anything done at the Corps level as far as getting approvals for the mitigation bank to open. Maybe politically, we should focus on the pressure and make it a joint venture with the development community as well as the County that might fall on better ears.

Mr. Webster stated that Mr. Radachy had a good point that we do have people in the County that are working with this like Stormwater and Soil & Water and even the Planning

Commission staff to some extent. What it would mean is that we should just step up the effort with those entities and then get the building people involved with us at some point and bring this pressure to bear. Once we have some sites picked out that are acceptable to everyone here, then we should use our congressmen and representatives to help us put on that pressure.

Mr. Brotzman thought it would be valuable to speak directly to the Corps, particularly if they are in town on other business to ask them to address their criteria for allowing or disallowing a site.

Ms. Pesec agreed saying then we could tailor our program to them. She asked Mr. Scharver if he had noticed if there were some patterns that would be better than others in terms of stability of a program with the Army Corps.

Mr. Scharver thought it best to make an effort to make a collective statement, put some pressure on the Corps showing them that Lake County is serious about protecting our resources. We are already working on this together. He felt another group may not be needed, but when a project does come, whatever you can do to help that project forward as an agency would be helpful.

Mr. Brotzman suggested writing a collective letter that the supporting agencies would all sign, or individually contact the Corps. He asked Mr. Scharver's opinion as to this course of action.

Mr. Scharver said to first have a discussion with all the agencies to make sure you are on the same page and bring in the involvement of the community and the homeowners associations and agree that there is a need for mitigation and that we would like to change the style of how mitigation is done in Lake County. We want to see some of the dollars spent here instead of elsewhere. From that, the Corps may be willing to work with the agencies to formulate areas that may not necessarily turn into mitigation banks or opportunities, but properties that the County undertakes for main projects. Properties need to be located first.

It was the consensus of the Board to support Mr. Scharver and the Lake County Soil & Water Conservation District to spearhead this effort.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Siegel moved to adjourn this meeting at 8:40 p.m. and Ms. Pesec seconded the motion.

All voted "Aye".

Timothy C. Brotzman, Chairman

Darrell C. Webster, Director/Secretary

